

901 KAR 5:070. Certificate of birth amended.

RELATES TO: KRS Chapter 213

STATUTORY AUTHORITY: KRS 194.050, 211.090, 213.121

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 213 relating to Vital Statistics authorizes the Cabinet for Human Resources to regulate the registration of births in Kentucky. The purpose of this administrative regulation is to provide for uniform procedures for changing birth certificates of children born to mothers who are not married where a paternity affidavit is executed or where paternity is established by law or when a request is received to amend or correct an item on the birth certificate and who may apply for the change or amendment.

Section 1. Paternity Affidavits. Paternity affidavits executed in accordance with KRS 213.046, 213.049, 213.071 or 213.121 may be on one (1) of the following forms:

(1) If no father is designated on the birth certificate, the form VS-8 shall be used to declare paternity at any time after the birth certificate has been registered and filed.

(2) If the mother is unmarried at the time of the birth, the form VS-8B shall be completed at the request of both natural parents at the time of birth. This form shall accompany the birth certificate at the time of registration and filing.

(3) If the mother is married the form VS-8C shall be used to delete a legally named father from the birth certificate and affirm and acknowledge the natural father.

(4) Paternity forms VS-8, "Declaration of Paternity" (2/91); VS-8B, "Paternity Affidavit" (7/92); and VS-8C, "Three (3)-way Paternity Affidavit" (7/90); are incorporated by reference and may be viewed or obtained at the Office of Vital Statistics, 275 E. Main Street, Frankfort, KY 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

Section 2. Amendment or Issuance of New Certificate. When paternity has been established for a child born in Kentucky to a mother who is not married, the State Registrar of Vital Statistics shall amend the original certificate of birth or prepare a new certificate of birth.

Section 3. Amendment of Obvious Errors on Birth Certificate. Amendment of obvious errors, transposition of letters of common knowledge or omissions on the birth certificate, shall be made by the State Registrar within one (1) year after the date of birth either upon observation, query, or request of parents, legal guardian or individual responsible for filing the birth certificate.

Section 4. Amendment of Name. A change of name ordered by a court of competent jurisdiction shall be required to change the name as shown on the birth certificate, unless the registrant, parents, legal guardian, or individual responsible for filing the birth certificate presents documentation that the name was incorrectly recorded at the time of registration of the birth and meets the requirements in Section 8 of this administrative regulation.

Section 5. Amendment of Date of Birth. The date of birth shall only be changed with a court order from a court of competent jurisdiction, unless proof is shown that the error occurred upon the original filing of the birth certificate by the individual responsible for filing the birth certificate.

Section 6. All Other Amendments. All other amendments to the birth certificate shall be supported by an affidavit or:

(1) If the registrant is eighteen (18) years of age or older, a document established five (5) years prior to the date of the amendment and which supports the alleged facts;

(2) If the registrant is between the ages of seven (7) and seventeen (17), a document established

three (3) years prior to the date of the amendment and which supports the alleged facts; or

(3) If the registrant is between the ages of three (3) and six (6), a document established one (1) year prior to the date of the amendment and which supports the alleged facts.

Section 7. Amendment of the Same Item More Than Once. Once an amendment of an item is recorded on the birth certificate, that item shall not be amended again except upon receipt of a court order from a court of competent jurisdiction.

Section 8. Who May Apply to Amend a Certificate of Birth. To amend a certificate of birth, the application shall be made by the:

(1) Parent or legal guardian, if the registrant is under age eighteen (18);

(2) Registrant, if the registrant is eighteen (18) years of age or over; or

(3) Individual responsible for filing the birth certificate. (VS-8; 1 Ky.R. 637; eff. 4-9-75; Am. 16 Ky.R. 932; eff. 1-12-90; 17 Ky.R. 122; eff. 9-13-90; 20 Ky.R. 1397; 1828; eff. 1-10-94.)